

SETTLEMENT OF LAND DISPUTES DUE TO MULTIPLE CERTIFICATES IN THE NATIONAL DEFENSE AGENCY IN THE CITY OF BANDUNG BASED ON GOVERNMENT REGULATION NUMBER 24 OF 1997 CONCERNING LAND REGISTRATION Junto REGULATION OF THE MINISTER OF ATR/BPN NUMBER 11 OF 2016 REGARDING SETTLEMENT OF DEFENSE CASES

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| Keywords | Abstract. In fact, there are many kinds of land disputes, one of which is land disputes due to multiple certificates. A double certificate is a description of the juridical data and physical data on the same land object as the physical form in the form of a certificate. The reason for this double certificate arises because there is more than one description of the certificate with the same land parcel. The result of this problem causes the land parcels to experience overlapping administratively, either part of the land parcels or the whole land parcel. One of the social facts that occurred in the community due to double certificates was land in Cibakom Block, Kel. Sukarasa, Kec. Sukasari - Jalan Setrasari Kulon Kav-10 - Bandung City with verdict on case number 404 / Pdt.G / 2014 / PN.Bdg. The method used by the writer with descriptive analytical research specifications, the approach method is juridical normative, data collection techniques in literature and field documents, data analysis using a qualitative juridical approach, stages of research in literature and the field stage. Based on the series of research conducted by the author, it can be concluded that the cases that occurred in Blok Cibakom, Kel. Sukarasa, Kec. Sukasari - Jalan Setrasari Kulon Kav-10 - Bandung City is caused by negligence of the land officers (BPN Kota Bandung) in the lack of supervision and control over a policy, mistakes in the process of granting and registering land rights to other parties and being recognized by not having good faith by other parties, giving rise to illegal acts. Of course, an orderly land law should be able to be implemented properly and optimize land administration (registration and registration) and making land registration maps so that disputes due to multiple certificates do not occur again. |
| Land Dispute, Double Certificate, Bandung City National Land Agency | |

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1. INTRODUCTION

Land is a resource for the economy and also an important need for the benefit of society so that people have the desire to control land rights as a whole. The large number of people's interest in mastering land rights often creates problems in the land sector (Ali, 2009). The starting point for the emergence of land disputes between the community and the government or between the communities themselves is due to disputes between ownership rights and land tenure (Chomzah, 2003). Based on these problems, the government issued laws and regulations that regulate to answer land disputes that occur in the community, namely Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA). The emergence of this regulation in the community brought legal certainty, legal protection, and the basics regarding land rights and obligations for Indonesian people (Dalimunthe, 2000).

Apart from that, Law Number 5 of 1960 concerning Basic Agrarian Principles presented a solution regarding procedures for land registration and legal certainty provided by the government to the community. Legal certainty regarding the subject and object of land rights is stated in detail in Article 19 of Law Number 5 of 1960 concerning the Basic Agrarian Principles, namely: 1) The certainty of the subject of land rights can be called a person or legal entity that holds land rights, 2) Land objects originate from the certainty of the location, boundaries, length and width of the land.

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One of the causes of land disputes is erroneous determinations by the land office. Decisions that often cause land disputes are generally administrative law actions that contain deficiencies (Emirzon, 2001).

Facts in the field found many kinds of land disputes, one of which is a land dispute due to multiple certificates. Double certificate is a description of juridical data and physical data in the same land object with the physical form in the form of a certificate. The cause of this double certificate arises because there is more than one description of the certificate with the same land parcel (Harsono, 2008). As a result of this problem, the land parcels administratively experience overlapping or overlapping either part of the land parcels or the whole land parcel (Hutagalung, 2005).

Ilyas, (2020) says that one of the facts that occurs in land disputes due to multiple certificates is disputes that occur in the community with different types of certificates but containing the same land objects. The disputed land object is located in the Cibakom Block, Kel. Sukarasa, Kec. Sukasari-Jalan Setrasari Kulon Kav-10 - Bandung City. One party has a Kohir C certificate, Persil 130 a. S. II and a letter from the Bandung City Government, Kec. Sukasari dated April 28 2008 and a letter from the Bandung City Government returned dated June 21 2010 along with an attachment to the letter in the form of a village book, which explains that it is based on Book C with Persil 130 a . S. II is registered on behalf of the parents of one of the parties.

Meanwhile, other parties who have evidence in the form of Certificates of Ownership (SHM) of the land as proof of rights for Persil 130 a. S. II, Kohir C which is located in the Cibakom Block, Jalan Setrasari Kulon - Kav. 10, Ex. Sukarasa, Kec. Sukasari, Bandung City, legally the certificate of ownership rights (SHM) for the land has been issued in an overlapping manner on a plot of land belonging to one of the parties who owns Persil 130 a. S. II, Kohir C the land is located in the Cibakom Block. In this fact, the factors that cause multiple certificates are due to indications of the negligence of land officials in the lack of supervision and control over a policy, errors in the process of granting and registering land rights to other parties, either intentionally or unintentionally. The negligent actions of land officials include acts against the law by the government (onrechtmatige overheidsdaad). This negligence also led to errors in calculating the land area which then resulted in multiple certificates (Isnur, 2012).

Double certificates arise due to the negligence of officers in the process of granting and registering land rights due to a lack of supervision and control over a policy or it can be called a negligence either intentional or unintentional. As a result of the officer's negligence, an error occurred in calculating the area of the land parcel which then resulted in the issuance of multiple certificates. This negligent act is an unlawful act by the government. Therefore, disputes over land due to multiple certificates are often resolved through the courts because they cause harm to other parties or the violation of the rights of other legal subjects due to the occurrence of deviant legal action mechanisms, it is necessary to resolve them through the judiciary. In general, problems that occur in the community regarding land disputes due to multiple certificates indicate that a certificate of land rights does not guarantee legal certainty in protecting objects (land) and subjects (rights of individuals/legal entities) against certificates of land rights.

The problem of land disputes due to certificates has actually been minimized by the government by issuing a Government Regulation Number 10 of 1961 concerning Land Registration. However, this Regulation has been replaced by Government Regulation Number 24 of 1997 Concerning Land Registration. Oriented to this problem, the government issued a certificate of land ownership or certificate as a form of legal certainty for land registration. The form of a registration legal certainty is a land certificate which will be useful as evidence. This is because the substance of the certificate consists of physical data and juridical data on land. As long as the juridical data and physical data match the data in the measurement certificate and land title book of the land parcel. Therefore, the use of this certificate as a reinforcement in the validity of ownership.

The theory of the publication system in this article shows that a person has the right to the land if that person can prove a certificate on the land because the certificate contains physical data and juridical data on the land. Of course, the process of issuing a certificate also requires the involvement of the land owner concerned (applicant), the owner of the land adjacent to the applicant, village/kelurahan agencies, and related agencies. With the presence of these restrictions, a person's

rights to his land are guaranteed if no one disputes (sues) the land object and the presence of this government regulation reinforces the function of the certificate, namely to provide guarantees of legal certainty for the owner of the object, and likewise with the presence of the land office functioning to regulate legal certainty (certificate) for the right subject (Lubis, 2012).

But still, the community is more interested in what will happen in the future if a problem or dispute occurs in the community, especially land disputes due to multiple certificates. In connection with the problems arising from land disputes due to multiple certificates, of course the National Land Agency has efforts to resolve these disputes. The National Land Agency issued a ministerial regulation for Agrarian Affairs and Spatial Planning/National Land Agency Number 11 of 2016 concerning Settlement of Land Cases. Oriented towards the background of the problems to be studied, the author is interested in further researching how to resolve land disputes due to multiple certificates at the Bandung City National Land Agency based on government regulation number 24 of 1997 concerning land registration junto ministerial regulation number 11 of 2016 concerning settlement of land cases

2. METHOD

The research method is a procedure that must be carried out by the author such as approach methods, data sources, data collection techniques and things that support to improve the validity of the research compiled by the author. As for the research specifications used by the author in his research using descriptive analytical method. The descriptive purpose of this study is to describe in a structured, detailed and comprehensive manner the settlement of land disputes due to multiple certificates. The use of normative juridical is the approach method used by the author in his research. As for normative juridical, it is a method that emphasizes and examines research with the main legal materials, theories, principles, and several laws and regulations related to the author's legal writing.

3. RESULTS AND DISCUSSION

Arrangements for Land Registration at the National Land Agency for the City of Bandung

The occurrence of land disputes is a problem that must be resolved by the National Land Agency as the organizer of land registration. Meanwhile, Rusmadi Murad explained that land disputes are disputes that occur between two or more parties because they feel disturbed and feel disadvantaged by these parties for the use of rights and control over their land, which are resolved through deliberations or through courts, while land issues are more technical to the public. implementing apparatus based on applicable policies and regulations.

Before talking about the legal consequences of land disputes. The emergence of land disputes at the National Land Agency, especially the Bandung City National Land Agency, resulted from several complaints such as seizures and recognition of objections to land rights, both regarding land status, ownership and others. This complaint is made by a party (land owner). The purpose of making a complaint by a party is so that problems regarding land disputes can be resolved.

The National Land Agency for the City of Bandung as the organizer, regulates land space and the provider of proof of land ownership states that if a land dispute occurs, what can be proven concretely is proof of ownership or certificate. 50 This is guided by Article 19 paragraph (2) letter c of the Basic Law. Agrarian Affairs and Government Regulation Number 24 of 1997 Article 32 paragraph (1) concerning Land Registration, namely the Certificate is a proof of right that applies as a strong means of proof regarding the physical data and juridical data contained therein, as long as the physical data and juridical data are in accordance with the data contained in the measurement certificate and land title book concerned (Sembiring, 2006).

Oriented to this article that certificates are absolute proof of the legitimacy of land objects. Land certificates also serve as evidence in resolving conflicts and land disputes. The certificate is also a means of evidence that can stand alone in accordance with article 164 HIR that the certificate is part of an authentic deed because it comes out through an authorized institution. 51 So, a land certificate can prove that the right holder has a right over a certain plot of land. Where the physical data includes information about the location, boundaries, and land area. Juridical data includes information

regarding the legal status of land parcels, the rights holders and the rights of other parties as well as other burdens that burden them.

However, if a land dispute is caused by multiple certificates, it will certainly be a difficult situation for the National Land Agency as the middle party in resolving conflicts and disputes because both parties to the dispute have legally valid certificates. What is meant by multiple certificates is that a plot of land has more than one certificate, there is complete or partial overlap. The double certificate is an error arising from the National Land Agency. If multiple certificates occur, the result must be cancellation from one of the parties by examining the supporting documents. This can take a long time, if there is a lawsuit for the certificate to the court, to ask for cancellation for the aggrieved party.

The problem of land disputes due to multiple certificates should also be seen from the causes. For example, multiple certificates caused by external parties where certificates that have been issued are re-issued. As for the double certificates caused by an officer's mistake in revoking the old certificate with a new certificate to a new person and without the knowledge of the owner whose name is listed in the old land certificate. Issuance of certificates carried out by the National Land Agency without (stipulated) legal procedures is also one of the causes for the birth of multiple land certificates. However, multiple certificates can also appear in the community because the National Land Agency does not consistently implement the Basic Agrarian Law or regulations regarding land. However, multiple certificates usually appear on land objects that are still vacant or not yet developed.

Land disputes due to multiple certificates clearly have a negative impact, one of the effects is to bring uncertainty or ambiguity to landholders. Uncertainty regarding land rights overlaps for landowners. The lack of clarity over land disputes has made the National Land Agency lose a sense of trust in the community. The consequence of having a land certificate also raises the question of who has the authority to cancel one of the multiple certificates that has been issued. The answer to this question is clear that the authority is the National Land Agency.

The National Land Agency has the authority to handle the settlement of all land dispute cases. However, of course there is one party that does not accept the decision of the National Land Agency if the final result is the revocation of one of the two certificates that have been issued. Therefore, the people who are in dispute submit a case to the court in order to get the desired result. The role of the court must determine, assess and decide who has the right to own the disputed land based on evidence and witness testimony. If the court has decided on land ownership cases that have permanent legal force (in kracht van gewijsde), the party won must submit an application to the head of the BPN/land office, which cancels the land certificate of the defeated party.

The legal consequence of having multiple certificates is that they do not provide legal certainty, because the purpose of a person doing land registration is to obtain a certificate as a perfect means of proof. But with the emergence of multiple certificates, it creates legal uncertainty in terms of land registration. It is said that it does not provide legal certainty because there are no two legal statuses on the same land or in the wrong location. Having multiple certificates can cause people to distrust the legal certainty of land rights, in this case the distrust of certificates. Because a certificate of land rights should be a strong proof of ownership of land rights, but how can it be said to be strong if there are two certificates with the same land object, which one is considered strong which can guarantee legal certainty of land rights.

The next impact is a loss, meaning that a person expects to obtain legal status for his land but due to multiple certificates and then being declared defeated in court with the consequence of having the certificate declared null and void, the person automatically suffers a loss because how can the land registration process incur costs, especially if the land is large and it is most likely that a business or place to make a living will be built on the land. Not to mention the court fees that must be paid by the Defendant as the losing party in the trial.

Besides that, it is said to cause losses because the land in dispute will be very difficult to sell and even if possible the selling price of the land will be low, especially considering that in this case previously the Plaintiff intended to sell the land but from the results of the re-location measurement, the Plaintiff was surprised that based on the minutes it was found that on the land owned by the Plaintiff

there were other people's certificates. So with the dual certificate, the Plaintiff feels disadvantaged because he cannot make a sale and purchase or transfer the land because the status of the land is currently in dispute.

The decisions of the Panel of Judges, one of which is the Decision of the Panel of Judges at the Bandung City District Court Number 404/Pdt.G/2014/PN.Bdg which annulled the decisions of state officials in this case canceling one of the property rights certificates, it is impossible for both parties to win, one of them must lose and the losing party feels that they have been harmed, even though there are still legal remedies that can be taken, the loser still feels disadvantaged. What if this loss was caused by negligence, inaccuracy and/or because the measurement officer did not heed the applicable provisions in the measurement process, this is what needs to be discussed today through gathering the opinions of lecturers who can be legally justified, at least as a comparison to the author's opinion below.

If the loss of the losing party is caused by negligence, carelessness and/or intentional action on the part of the National Land Agency, then the party responsible morally and materially is the National Land Agency itself. Submission of an application for compensation can be submitted by suing through the local District Court. In essence, the legal consequences of land disputes caused by multiple certificates, of course, one party will lose its legal force against the land object because the certificate owned by one of the parties has been revoked and canceled in accordance with Government Regulation Number 24 of 1997 concerning Land Registration and Regulation of the Minister of Agrarian Spatial Planning/National Land Agency Number 11 of 2016 regarding Land Dispute Settlement Cases.

Factors Causing the Existence of Multiple Certificates in the National Land Agency for the City of Bandung

Distribution of land through land registration uses a comprehensive approach. The use of this approach is because land is highly contested by the community. The existence of a plot of land can also allude to the local political, social, economic, cultural existence. It is not surprising that many people are fighting or disputing for the sake of obtaining a piece of land even though the area is very small. 52 The enactment of the Basic Agrarian Law is a solution to overcoming previous land disputes by implementing land tenure and ownership reforms or what is commonly called land reform. The implementation of these reforms was useful in helping farmers and the lower classes gain liberation from the influence of feudalism, capitalism and colonialism.

The land reform process carried out by the government includes land fees, the enactment of restrictions on land use. However, the enactment of the land reform implemented by the government in the Basic Agrarian Law was not as expected. In fact, the National Land Agency in one year saw an increase of 5,000 cases of land disputes that occurred in Indonesia. 53 Particularly in the Bandung City National Land Agency, there was an increase of approximately 150 land cases occurring each year.

One of the factors causing land reform to stagnate is that the justice that the government and farmers are fighting for is not being felt by the landowners. And as a result, the roots of the problems of land reform are still being felt by some people. There is also one of the causes of land disputes and certificates that we often forget is natural disasters that cause documents proving land rights to be lost or damaged. Another cause of land disputes is that land is a symbol of existence and social status in society, resulting in vertical and horizontal land conflicts.

The meaning and value of land that is so strategic and special encourages everyone to own, maintain and take good care of their land, if necessary defend it as hard as they can to the last drop of blood. The multidimensional roots of conflicts and land disputes cannot be seen as mere legal issues, but are also related to other non-legal variables, which include weak regulations on land titling which have not reached 50%.

The problem of land disputes arising in various regions, especially the city of Bandung, occurs due to the selfishness of the people. The emergence of this egoism is largely due to the relatively high price of land in the city of Bandung so that people are willing to fight for their rights or the history of

the existence of the land. The emergence of land disputes is also caused by the National Land Agency. The lack of transparency of land tenure and ownership data and the lack of information regarding the owner of a land are several factors in the occurrence of land disputes caused by the National Defense Agency.

The overlapping issuance of decisions from agencies directly related to land affairs is also a factor in the emergence of land disputes. For example, the issuance of multiple land certificates for each land owner. Disputes after disputes occur because of a lack of coordination between the agency administering land acquisition and other related parties, for example the local land office. That means the government's inconsistency in issuing regulations in the land sector and the weakness of oversight when implementing these regulations.

This usually occurs in rural areas or remote areas. However, for the city of Bandung, land disputes usually occur due to information from the owner that is not detailed enough to cause the land registration process to be hampered in terms of its objectives. On the other hand, land certificates still tend to demand access, which far exceeds the supply side, although land administration projects such as pronation and adjudication projects have relatively succeeded in achieving their goals.

If one looks closely, land disputes that occur have broad dimensions in society, both horizontal and vertical disputes. Regarding land disputes that occur in the Bandung City National Land Agency, land disputes are often encountered horizontally, namely between individuals and individuals. but contain the same land object. It is contained in the Decision of the Bandung City District Court Number 404/PDT.G/2014/PN.BDG.

The disputed land object is located in the Cibakom Block, Kel. Sukarasa, Kec. Sukasari - Jalan Setrasari Kulon Kav-10 - Bandung City. One party has a Kohir C certificate, Persil 130 a. S. II and a letter from the Bandung City Government, Kec. Sukasari dated April 28 2008 and a letter from the Municipal Government of Bandung Back dated June 21 2010 along with an attachment to the letter in the form of a village book, which explains that it is based on Book C with Persil 130 a. S. II is registered on behalf of the parents of one of the parties. According to the physical and juridical data, the owner of a plot of customary land with an area of ± 715 M, which is located in the Cibakom Block, Kel. Sukarasa, Kec. Sukasari Jalan Setrasari Kulon Kav-10 - Bandung City, based on Kohir C No. 1787, Parsil 130 a. S. II is registered in the name of the parents of the party, namely Enjon - Euis, with the following boundaries, North side: Customary owned land, East side: Selokan / Riool, South side: Customary land (DR. Wila) West side: Jalan Selrasari Kulon.

Meanwhile, other parties who have evidence in the form of Certificates of Ownership (SHM) of the land as proof of rights for Persil 130 a. S. II, Kohir C which is located in the Cibakom Block, Jalan Setrasari Kulon - Kav. 10, Ex. Sukarasa, Kec. Sukasari, City of Bandung. The defendant got the certificate because he had bought four plots of land with different certificates and became one unit of SHM No. 521 and split into IR. Setiawan. This was also disclosed by the Bandung City National Land Agency that SHM No. 521 is a combination of four land parcels with different certificates covering parts of the Cibakom Block, Kel. Sukarasa, Kec. Sukasari - Jalan Setrasari Kulon Kav-10 - Bandung City. So legally SHM No. 521 has been issued in an overlapping manner (overlapping) on the plot of land owned by the Plaintiff Persil 130 a. S. II, Kohir C No: 1787 which is located in the Cibakom Block.

In the above case is a land dispute caused by multiple certificates. Multiple certificates are two certificates with the same land object. Theoretically, multiple certificates arise due to the negligence of officials in the process of granting and registering land rights due to a lack of supervision and control over a policy or it can be called a negligence either intentional or unintentional. 57 As a result of the officer's negligence, an error occurred in the calculation of the area of the land parcel which then resulted in the issuance of multiple certificates. This negligent act is an unlawful act by the government (onrechtmatige overheidsdaad).

The Efforts of the National Land Agency for the City of Bandung in Overcoming Land Disputes Due to Multiple Certificates by the National Land Agency

The National Land Agency is a land agency established through Presidential Decree No. 26 of 1988. The operational guideline that forms the basis of the National Land Agency is SK No. 11/KBPN/1988 in conjunction with Decree of the Head of BPN No. 1 of 1989 concerning the Organization and Work Procedures of BPN in Provinces and Regencies/Municipalities. As for the laws and regulations that support the establishment of the National Land Agency in Indonesia, namely Law Number 10 of 2006 concerning the National Land Agency. The legislation explains that the National Land Agency has duties in the field of land affairs nationally, regionally and sectorally.

The emergence of land disputes is the obligation of the National Land Agency to resolve the dispute. Settlement efforts carried out by the National Land Agency, especially the National Land Agency for the Bandung City sector, must be based on applicable laws and regulations, one of which is the Regulation of the Minister of Agrarian Spatial Planning/National Land Agency Number 11 of 2016 concerning Land Dispute Settlement Cases. This basis is used by the National Land Agency to uphold fairness, both the rights and obligations of both parties to land disputes through deliberation.

Likewise land disputes caused by multiple certificates, the National Land Agency has the authority to resolve these land cases. As for what the National Land Agency does, including: negotiation, conciliation, mediation and facilitator for both parties to the dispute and as the initiator of an agreement between the parties. However, the resolution of the problem can only be made by the regional offices of the Municipal/District and Provincial National Land Agency. Meanwhile, if the parties wish to follow up on the administration of land, it will still be carried out by the Central National Land Agency.

Oriented to land dispute cases that have been filed at the Bandung City District Court with register number 404/PDT.G/2014/PN.BDG. The first party or those who object to the presence of Certificate of Ownership No. 521 named Iskandar and the party who has a Certificate of Ownership No. 521 named Ir. AA Setiawan. The second point of the problem arose when the land owned by the first party was acknowledged by Setiawan who claimed that his land was SHM No. 521 as proof of rights for Persil 130 a. S. II, Kohir C No: 1787 which is located in the Cibakom Block, Jalan Setrasari Kulon - Kav. 10, Ex. Sukarasa, Kec. Sukasari, Bandung City and the certificates were obtained from the sale and purchase of four plots of land with different certificates. The process of merging certificates issued by the Bandung City BPN refers to the Cibakom Block land, Kel. Sukarasa, Kec. Sukasari - Jalan Setrasari Kulon Kav-10 - Bandung City.

The dispute, which was quite complicated, made the first party report to the National Land Agency to sort out the point of the problem. The National Land Agency for the City of Bandung as an institution that participates in building a series of efforts to resolve land disputes and minimize land disputes due to multiple certificates including in this case, the National Land Agency, one of which is the BPN of the City of Bandung, has a role including, reviewing and managing data to resolve cases in the land sector. , accommodate community complaints if there is a dispute over land and try to resolve it amicably by going to the field to carry out re-measurements by involving the disputing parties and related village officials, reviewing and preparing draft decisions regarding the settlement of land disputes and reviewing and preparing draft decisions cancellation of land rights that are administratively flawed and based on the above peace deed.

From reports obtained by the National Land Agency for the City of Bandung regarding land disputes due to multiple certificates in the Cibakom Block, Kel. Sukarasa, Kec. Sukasari - Jalan Setrasari Kulon Kav-10 - Bandung City. The National Land Agency concluded from various series of evidentiary processes in resolving land dispute cases due to multiple certificates in the Cibakom Block, Kel. Sukarasa, Kec. Sukasari - Jalan Setrasari Kulon Kav-10 - Bandung City that apart from that the objection party named Iskandar or Enjon - Euis is not the owner of Persil No.130 a S.II Kohir No. 1787 as well as the Plaintiff is not the owner of the object of land in dispute aquo, because the Kohir Letter is not proof of ownership of the land but only proof of payment of taxes, according to Supreme Court Jurisprudence No. 34 K/Sip/1960 dated 10-2-1960 besides that Kohir is not proof of ownership/rights to land "Kohir" cannot show with certainty the size of the land area, the boundaries and the actual location

of a Persil/plot of land, moreover the Kohir Letter appears not on the name of the Plaintiff, but on behalf of another person, and other matters of legal fact that from the past until now the Plaintiff has never physically controlled and occupied the land of the disputed object, thus it is clear that in this case the plaintiff is not the owner of the disputed land or at least not yet the status of the owner of the land in question.

However, in reality the objecting party refused to accept the settlement. Therefore, in this case, Iskandar brought this case to the Bandung City District Court number 404/PDT.G/2014/PN.BDG by filing a lawsuit against Ir. AA Setiawan as the Defendant and the National Land Agency for the City of Bandung as Co-Defendant. In practice, efforts to resolve land disputes carried out by the National Land Agency are only limited to alternative dispute settlements. In contrast to disputes, if both parties or one of the parties submits a case, it has become the realm of justice, both the general court and the State Administrative Court.

Of the several settlements of land disputes related to land disputes resulting from multiple certificates outside the National Land Agency, often a person or individual or legal entity or community group uses the judicial route to resolve the problem. One of the cases that used the judicial route due to dissatisfaction with the research report to become a recommendation material for solving the problem by the Bandung City BPN, namely the case of a land dispute due to land certificates in the Cibakom Block, Kel. Sukarasa, Kec. Sukasari - Jalan Setrasari Kulon Kav-10 - Bandung City.

There are two individuals who are in dispute on the land, namely Iskandar as the plaintiff and Ir. A A. Setiawan as the defendant and the Bandung City Land Agency as co-defendant in decision number 404/Pdt.G/2014/PN.Bdg. In accordance with PERMA No.1 of 2008 concerning Mediation Procedures in Court the Panel has appointed a Mediator in accordance with Decree Number: 404/Pdt.G/2014/PN.Bdg dated 25 September 2014 so that the parties resolve this case amicably but it was not successful as the Mediator's letter dated October 23, 2014, so that the examination of this case was continued by reading out the Plaintiff's lawsuit whose contents are still being defended by the Plaintiff.

In the third trial, namely the plaintiff, the defendant, and the co-defendant gave evidence. Plaintiff provided a copy of Kohir C No. 1787, Persil 130 a S. II and a letter from the City Government of Bandung, Kec. Sukasari No. 590 / 116 CAM SKSR dated 28 April 2008 and Letter No. 593/ 162/ SKSR Dated 21 June 2010, and Certificate of Heirs No: 474 - 3 / 1535 / 97 - BAG - PEM dated 17 December 1997 and Certificate of Heirs No: 474-3 / 136 / AW / X / 2008 dated October 8 2008. Meanwhile, the defendant provided evidence in the form of Certificate of Property Rights Number 521 from the National Land Agency for the City of Bandung. Meanwhile, the Defendant also attached a research report to serve as a recommendation for problem resolution and provided a statement that the Plaintiff had crossed the limits of Article 32 of Government Regulation Number 24 of 1997.

With this case, of course the existence of Government Regulation Number 24 of 1997 concerning Land Registration is a solution in resolving land disputes due to multiple certificates. Regulations adhering to the theory of a negative publication system (negative system) containing positive elements. This theory lies in article 32 of Government Regulation Number 24 of 1997 concerning Land Registration which states "a certificate is a proof of right that applies as a strong means of proof regarding the physical data and juridical data contained therein, as long as the juridical data and physical data are in accordance with the data contained in the measurement certificate and land title book concerned.

Even though within 5 (five) years since the issuance of the certificate, he has not filed a written objection to the certificate holder and the Head of the Land Office concerned or has not filed a lawsuit with the Court regarding the ownership of the land or the issuance of the certificate. However, the expiration date is not absolute as long as the acquisition of said right violates the element of good faith, so the five year expiration does not apply. Likewise with the position of certificate of ownership which only has strong properties, not absolute so that if there are individuals who want to sue or object, even though the objecting party only holds evidence such as Kohir C, it is permissible.

4. CONCLUSION

The National Land Agency for the City of Bandung as the organizer, regulates land space and the provider of proof of land ownership states that if a land dispute occurs, what can be proven concretely is proof of ownership or certificate. Factors that can lead to the occurrence of multiple certificates in the city of Bandung are the negligence of land officials (BPN Kota Bandung) in the lack of supervision and control over a policy, mistakes in the process of granting and registering land rights to other parties, either intentionally or unintentionally. The form of settlement for the Dual Certificate of Land Rights can be carried out directly by both parties by asking for assistance from the National Land Agency for the City of Bandung. Later the National Land Agency will form a special team to get answers to problems in the form of research results reports to become recommendations for solving problems in accordance with the Regulation of the Minister of Agrarian Spatial Planning/National Land Agency Number 11 of 2016. However, if one party is dissatisfied with these results then they are welcome to file a lawsuit through the general court or special court (State Administrative Court) and or take dispute resolution outside the court such as negotiations, mediation, conciliation.

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